

Meeting of 2011-9-27 Regular Meeting

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
SEPTEMBER 27, 2011 6:00 P.M.
WAYNE GILLEY CITY HALL COUNCIL CHAMBER

Mayor Fred L. Fitch Also Present:
Presiding Larry Mitchell, City Manager
Frank V. Jensen, City Attorney
Traci Hushbeck, City Clerk
COL Paul Hossenlopp, Fort Sill Liaison

Mayor Fitch called the meeting to order at 6:04 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Invocation was given by Dr. Norma Quinn, Centenary United Methodist, followed by the Pledge of Allegiance.

ROLL CALL

PRESENT: Bill Shoemate, Ward One
Michael Tennis, Ward Two
Rosemary Bellino-Hall, Ward Three
Jay Burk, Ward Four
Richard Zarle, Ward Six
Stanley Haywood, Ward Seven
Doug Wells, Ward Eight

ABSENT: Rex Givens, Ward Five

PROCLAMATION FOR NATIONAL ARTS & HUMANITIES MONTH

Mayor Fitch proclaimed the month of October as National Arts & Humanities Month. He presented the proclamation to members of the Arts and Humanities Council.

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL REGULAR MEETING OF SEPTEMBER 13, 2011.

MOVED by Tennis SECOND by Shoemate to approve the minutes of Lawton City Council regular meeting of September 13, 2011 AYE: Zarle, Haywood, Wells, Shoemate, Tennis, Bellino-Hall, Burk. NAY: None. MOTION CARRIED.

CONSENT AGENDA: The following items are considered to be routine by the City Council and will be enacted with one motion. Should discussion be desired on an item, that item will be removed from the Consent Agenda prior to action and considered separately.

MOVED by Burk SECOND by Tennis to approve the consent agenda. AYE: Haywood, Wells, Shoemate, Tennis, Bellino-Hall, Burk, Zarle. NAY: None. MOTION CARRIED.

1. Consider the following damage claims recommended for approval: Terry Tullous in the reduced amount of \$113.37 and Cynthia Riddle in the amount of \$96.00. Exhibits: Legal Opinions/Recommendations.
2. Consider the following damage claims recommended for denial: Philip and Jennifer Dennis in the amount of \$3,406.85 and Curtis and Yvonne Parker in the amount of \$2,073.46. Exhibits: Legal Opinions/Recommendations.
3. Consider approving an Outside Water Sales Contract with J.C. Grayson, and authorize the Mayor and City Clerk to execute the Contract. Exhibits: Location Map. Contract is on file in the City Clerk s Office.
4. Consider approving an Outside Water Sales Contract with J.C. Grayson and Jodie Reece, and authorize the Mayor and City Clerk to execute the Contract. Exhibits: Location Map. Contract is on file in the City Clerk s Office.

5. Consider approving an Outside Water Sales Contract with Larry Neal, and authorize the Mayor and City Clerk to execute the Contract. Exhibits: Location Map. Contract is on file in the City Clerk's Office.
6. Consider approving an Outside Water Sales Contract with Jodie Reece, and authorize the Mayor and City Clerk to execute the Contract. Exhibits: Location Map. Contract is on file in the City Clerk's Office.
7. Consider approving an Outside Water Sales Contract with J.P. Richard, and authorize the Mayor and City Clerk to execute the Contract. Exhibits: Location Map. Contract is on file in the City Clerk's Office.
8. Consider approving an Outside Water Sales Contract with Kent Waller Holdings LLC, and authorize the Mayor and City Clerk to execute the Contract. Exhibits: Location Map. Contract is on file in the City Clerk's Office.
9. Consider authorizing the City Attorney to initiate litigation by filing a foreclosure law suit, in the Comanche County District Court to be styled City of Lawton v. Lila McQuiston, et al. Exhibits: None.
10. Consider authorizing the Mayor to execute a release in connection with a settlement in the amount of \$4,000.00 with Oklahoma Farm Bureau Insurance Company for damages to Police Unit 1381, which was struck by Joni Morgan on July 26, 2011 at NW 14th and Euclid. Exhibits: Property Damage Release.
11. Consider adopting a Resolution authorizing the City of Lawton to apply for a grant from the Oklahoma Strategic Military Planning Commission, through the Department of Commerce, in the amount of \$133,333 for improvements to Geronimo Road Elementary School at Fort Sill OK, City of Lawton, and authorize the Mayor and City Clerk to execute all necessary documentation. Exhibits: **Resolution 11-83** and Oklahoma Strategic Military Planning Commission Grant Application Form.
12. Consider approving contracts for Children's Art Studio, Fall 2011 semester for Steven Scott Smith (\$ 600), Kenneth Hobbs (\$ 495), Catherine Daugherty (\$ 240), and Krista Clavon (\$ 240) instructors for the program. Total amount for fall semester stipends is \$ 1,575.00. Exhibits: Contracts on file in City Clerk's office.
13. Consider accepting a permanent and a temporary easement from Lanny D. & Beverly K. Edwards Individually and as Trustee of the Lanny D. Edwards and Beverly K. Edwards Loving Trust for right of way needed for the 27 Bishop Road Sewer Bypass Project #11-1SSES authorizing the Mayor and City Clerk to execute the documents and authorizing the Mayor to sign a thank you letter. Exhibits: Documents are on file in the City Clerk's office.
14. Consider awarding a construction contract to Red Cliff Inc. for the NW 82nd Street Sewer line Project #2010-4. Exhibits: None.
15. Consider awarding contract (RFPCL12-002) Copier Contract to Bennett Office Equipment of Lawton, OK. Exhibits: Department recommendation, abstract of proposals.
16. Consider extending contract (CL10-019) Pest Control Services to Advanced Pest & Termite Control of Sterling, OK. Exhibits: Department Recommendation, Price Sheet, Contract Extension Form.
17. Consider extending contract (RFPCL10-001) Employee Physical/Drug Screen Testing-Section A- Physicals to Comanche County Hospital Authority, The Center for Occupational Health of Lawton, OK. Exhibits: Department Recommendation, Price Sheet, Contract Extension Form.
18. Consider extending contract (CL10-008) Fluorosilicic Acid to Pencoco, Inc of San Felipe, TX. Exhibits: Department Recommendation, Price Sheet, Contract Extension Form.
19. Consider awarding (CL12-006) Sulfuric Acid to Brenntag Southwest Inc. of Sand Springs, OK. Exhibits: department recommendation, abstract of bids.
20. Consider awarding (CL12-007) Liquid Oxygen to Airgas Mid South, Inc. of Tulsa, OK. Exhibits: department recommendation, abstract of bids.
21. Consider extending contract (RFPCL10-001) Employee Physical/Drug Screen Testing-Section B- Drug & Alcohol Testing to Allied Health Research Labs of Lawton, OK. Exhibits: Department Recommendation, Price Sheet, Contract Extension Form.
22. Consider approving appointments to boards and commissions. Exhibits: None.

1421 NW Great Plains Blvd
Lawton Oklahoma 73505 2843
Unexpired Term 06/28/12

23. Consider approval of payroll for the period of September 5 - 18, 2011.

OLD BUSINESS ITEMS:

24. Consider awarding contract (RFPCL12-001) Collection of Overdue Utility Bills to United Adjustment Corporation of Kentland, IN. Exhibits: Department Recommendation, Abstract and Price Sheet.

Rick Endicott, Finance Director, stated staff has met with Councilmember Tennis who tabled this item at the last meeting. He stated all of his questions have been answered. Staff is recommending approval of this contract.

Mayor Fitch questioned if all of Councilmember Tennis concerns have been answered.

Tennis stated yes.

MOVED by Tennis SECOND by Wells to award contract (RFPCL12-001) Collection of Overdue Utility Bills to United Adjustment Corporation of Kentland, IN. AYE: Wells, Shoemate, Tennis, Bellino-Hall, Burk, Zarle, Haywood. NAY: None. MOTION CARRIED.

NEW BUSINESS ITEMS:

Mayor Fitch requested item #26 be heard next.

26. Consider an ordinance pertaining to nuisances and health amending Sections 15-4-401 and 402, Article 15-4, Chapter 15, Lawton City Code, 2005, by creating the definitions of city-owned parks and playgrounds and including city-owned parks and playgrounds as non-smoking areas, providing for severability and declaring an effective date.

Exhibits: **Ordinance 11-49.**

Tim Wilson, Deputy City Attorney, stated this ordinance was done at the request of council members Bellino-Hall, Burk and Shoemate. It is an ordinance that essentially prohibits smoking in city owned parks. It defines city owned parks as any playground or recreation area within the corporate city limits. It exempts the municipal golf course and any municipal property outside the city limits.

Burk stated these young people have been persistent and he has been working with this group since he was elected to council. He has a letter he received from a constituent, Jesse Sorrell, who opposes the ordinance. (Burk read the letter).

Bellino-Hall stated this is not about a special interest group or cigarette butts in the park, this is about the health of our community. There is no question that cigarette smoke increases the risk of heart disease, stroke, lung cancer and hypertension. Young children learn by habit and they see adults smoking. Cigarette smoking kills. She stated there are also letters regarding non smoking campuses at OU and Cameron and also non smoking parks in Altus.

She stated we are behind the curve. She feels that as a community, they need to stand behind this ordinance. Smoking is not an innocent habit, it kills people.

Shoemate stated he agreed.

Burk stated he feels they need to strengthen the smoking policies at the City of Lawton. They need to do more than just this ordinance.

A member of the audience questioned how this will be enforced.

Mayor Fitch stated they will have to catch someone in the act of smoking. It will be hard to enforce.

MOVED by Burk, SECOND by Bellino-Hall to adopt **Ordinance 11-49**, waive the reading of the ordinance, read the title only and establishing an effective date. AYE: Shoemate, Tennis, Bellino-Hall, Burk, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED

(Title read by City Attorney) Ordinance 11-49

An ordinance pertaining to nuisances and health amending Sections 15-4-401 and 402, Article 15-4, Chapter 15, Lawton City Code, 2005, by creating the definitions of city-owned parks and playgrounds and including city-owned parks and playgrounds as non-smoking areas, providing for severability and declaring an effective date of November 1, 2011.

25. Hold a public hearing and adopt a resolution declaring the structures located at: 7 N.W. 58th Street, 106 N.E. Arlington Drive, 205 N.E. Angus Street, 701 S.W. 12th Street, 702 S.W. 12th Street, 807 S.W. Summit Avenue, 1819 S.W. Monroe Avenue and 4902 N.W. Cache Road to be dilapidated, detrimental to the health, safety or welfare of the general public and community, a blighting influence, and a public nuisance; directing the owner(s) to abate the nuisance by obtaining a remodel or demolition permit within thirty (30) days; authorizing summary abatement of the nuisance should the owner(s) fail to abate the nuisance; and alternatively authorizing the City Attorney to commence legal action in district court to abate the nuisance if summary abatement is not economically practical. Exhibits: Eight Resolutions. Summary documents with supporting photos, reports from the Fire Marshal, Housing Inspectors, and case history are available from Neighborhood Services.

Haywood requested 106 NE Arlington Drive be stricken from the agenda.

7 NW 58th Street

Anthony Griffith, Neighborhood Services Supervisor, reported the numerous violations of city code existing on the property are documented on the Property Maintenance Evaluation Sheet. He stated the property has been without utilities since 2009. Griffith presented photographs of the property.

PUBLIC HEARING OPENED.

Jonathan (last name and address was not given), stated the person who owns the home is very sick and lives in New York. He has been telling them that they need to do something about it. The water is turned off but they do have power.

Mayor Fitch questioned if he had any interest in the home.

Jonathan stated no. He stated he has contacted the owners and told them they need to get this taken care of and they need to make a decision. He stated if the city needs to inspect he has a key to the house.

Peter Bailey, 11 NW 58th Street, stated the house has been a mess for seven years. There are holes in the floor and it does not have water. He stated someone was living there and they were going around to other houses stealing water. The house needs to go.

PUBLIC HEARING CLOSED.

MOVED by Wells SECOND by Zarle, to adopt **Resolution 11-84** declaring the structure located at 7 NW 58th Street to be a dilapidated public nuisance. AYE: Tennis, Bellino-Hall, Burk, Zarle, Haywood, Wells, Shoemate. NAY: None. MOTION CARRIED.

205 N.E. Angus Street

Griffith reported the numerous violations of city code existing on the property are documented on the Property Maintenance Evaluation Sheet. He stated the property has been without utilities since February 2010. Griffith presented photographs of the property.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Burk SECOND by Shoemate, to adopt **Resolution 11-85** declaring the structure located at 205 N.E. Angus Street to be a dilapidated public nuisance. AYE: Bellino-Hall, Burk, Zarle, Haywood, Wells, Shoemate, Tennis. NAY: None. MOTION CARRIED.

701 S.W. 12th Street

Griffith reported the numerous violations of city code existing on the property are documented on the Property Maintenance Evaluation Sheet. He stated the property has been without utilities since July 2008. Griffith presented photographs of the property.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Haywood SECOND by Wells, to adopt **Resolution 11-86** declaring the structure located at 701 S.W. 12th Street to be a dilapidated public nuisance. AYE: Burk, Zarle, Haywood, Wells, Shoemate, Tennis, Bellino-Hall. NAY: None. MOTION CARRIED.

702 S.W. 12th Street

Griffith reported the numerous violations of city code existing on the property are documented on the Property Maintenance Evaluation Sheet. Griffith presented photographs of the property.

PUBLIC HEARING OPENED.

Cindy Purdue, 4236 SE Ford Drive, stated this is her rental property that burned October 15th. She recently sold it and the new owner will be fixing up the property.

Mayor Fitch stated the new owner will have thirty days in which to apply for a building permit.

PUBLIC HEARING CLOSED.

MOVED by Haywood SECOND by Zarle to adopt **Resolution 11-87** declaring the structure located at 702 S.W. 12th Street to be a dilapidated public nuisance. AYE: Zarle, Haywood, Wells, Shoemate, Tennis, Bellino-Hall, Burk. NAY: None. MOTION CARRIED.

807 S.W. Summit Avenue

Griffith reported the numerous violations of city code existing on the property are documented on the Property Maintenance Evaluation Sheet. He stated the property has been without utilities since May 2011. Griffith presented photographs of the property.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Haywood SECOND by Wells, to adopt **Resolution 11-88** declaring the structure located at 807 S.W. Summit Avenue to be a dilapidated public nuisance. AYE: Zarle, Haywood, Wells, Shoemate, Tennis, Bellino-Hall, Burk. NAY: None. MOTION CARRIED.

1819 S.W. Monroe Avenue

Griffith reported the numerous violations of city code existing on the property are documented on the Property Maintenance Evaluation Sheet. He stated the property has been without utilities since 2004. Griffith presented photographs of the property.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Haywood SECOND by Wells, to adopt **Resolution 11-89** declaring the structure located at 1819 S.W. Monroe Avenue to be a dilapidated public nuisance. AYE: Haywood, Wells, Shoemate, Tennis, Bellino-Hall, Burk, Zarle. NAY: None. MOTION CARRIED.

4902 N.W. Cache Road

Griffith reported the numerous violations of city code existing on the property are documented on the Property Maintenance Evaluation Sheet. Griffith presented photographs of the property. He stated the property has been boarded up for several years. The metal doors have been welded shut which would create a problem for emergency personnel. He stated at one time the sprinkler system broke and there was a serious water break which ran for months in the building. The building has mold and mildew.

PUBLIC HEARING OPENED.

John Munkacsy, 711 SW C Avenue, stated he has been engaged to look after the legal interest of Hollywood Theaters. He stated three representatives from Hollywood Theaters are in attendance. He stated Hollywood Theaters is a sub-tenant. The property is owned by Wilmington Trust Company, who are not responding. The master lease is with Regal and his clients sublet it from Regal. He stated Hollywood Theaters is very limited in what they can do. They cannot tear down the building because they do not own it. It is economically obsolete for its original purpose. He stated they stand to be sued if the building is taken down. They are limited in what they can do, but they will be doing something. They are requesting more time to get some answers regarding what they can get done. He stated Clyde Cornell, COO, Scott Hall, Sr. VP and Rance Bland, Regional Manager, are in attendance.

Clyde Cornell, 2630 N. Haden Island Drive, Slip #27, Portland, Oregon, stated they have a unique situation with the lease. Hollywood Theaters is the seventh largest theater chain in the US. They feel they have been good stewards of this building. They have maintained the building and the exterior is in good shape. The regional manager visits Lawton and they have a retired Comanche County Sheriff who looks in on the building three times a week. He stated they have made the building uninhabitable by welding the doors shut. There is one entrance in

the front. Since 1996 when they closed the doors they have spent over \$175,000 in maintaining the building. He stated he inspected the building today and agrees it is not up to code and it would not be economically feasible to try and bring it up to code. They are prepared to maintain the exterior of the building. They are willing to paint the exterior walls, doors and facade. They will schedule weekly landscaping and trash service and keep the security three times a week. The building is not dilapidated and is not a danger to the community. He stated they did obtain a bid to demolish the building and it would be in their financial best interest to demolish the building, however it is not theirs to demolish. If they do demolish the building without the approval of the landlord it would be financially devastating to them. They have an obligation to keep paying rent until the expiration of the lease and then they will turn it back over to the landlord. He is requesting time to sort out what they can do and to see if they can get the building demolished or step up the efforts to get the building sold.

Mayor Fitch questioned the amount of time Mr. Cornell is requesting.

Mr. Cornell stated two months.

Tenis questioned how they could sell the building if they don't own it.

Mr. Cornell stated they have been given approval to sell it from Regal who, he assumes has the approval from the landlord, Wilmington Trust.

Tenis questioned when their lease expires.

Mr. Cornell stated 2016.

Burk stated there have been people in there who have stolen all of the air conditioners off the roof. The grass in the parking lot has to get knee high before it is mowed. Trucks park in the parking lot for long periods of time. He stated it is affecting other businesses in the area. He feels the thirty days may get someone.

Mr. Cornell pledged that they will keep up their efforts to maintain the building. He stated they will keep the grass mowed and have security come in three times a week. He stated they want to be good neighbors.

Shoemate stated that he is concerned if a fire breaks out that the firefighters will be put in jeopardy from the mold and the locked doors.

Mr. Cornell stated he was in the building today and he has had no ill effects. Security also is in the building three times a week and also has had no ill effects. He stated he does not know if there is mold or mildew.

Tenis questioned if anyone had noticed any asbestos.

Griffith stated they did not check for asbestos.

Mayor Fitch stated the building was built in the 1980s so it should be clear of asbestos.

Bellino-Hall questioned what Mr. Cornell would do if they granted him an additional sixty days.

Mr. Cornell stated whether or not he is granted the sixty days, he will get the building repainted, have someone check the landscaping and pick up trash once a week and continue security checks three times a week.

Burk stated as a council, they have made it a rule that whether it is a homeowner or business, they will usually stick to their guns, because obviously this is not the first notice they have gotten. This has been ongoing for several months.

Mr. Cornell stated before this notice, the most recent he recalls seeing is from 2007. He stated they may not be getting the notices from the landlord or the tenant.

Mayor Fitch questioned where the notices have been going.

Griffith stated they are mailed to the owner of the property. He stated they did not know there was a tenant and subtenant. The owner of the property is the one who is ultimately responsible for the upkeep of the property. He stated they have a file in his office on this property that is about 1 inch thick and they have addressed every code violation you can think of. When you have a vacant structure you will have problems.

Mayor Fitch questioned how many notices have been sent to the property owners over the years.

Griffith stated approximately fifteen notices for different violations.

Mayor Fitch questioned if their lease states that they have to maintain the property and keep the building sound. They have just let it deteriorate.

Mr. Cornell stated they have minimally maintained the building.

Haywood questioned who was paying the property taxes.

Mr. Cornell stated they were. It is about \$24,000 - \$25,000 per year. He stated he is just requesting some time to sort this out.

PUBLIC HEARING CLOSED.

Wells questioned if we could be sued if we took something down based on the situation they are in.

Jensen stated we are not trying to take anything down, we are trying to get their attention and get it remodeled and if that doesn't work, go on to the next step. With a business like this, if they don't accomplish enough, then we file an action in district court and go from there.

Bellino-Hall questioned how long the building had been vacant.

Mr. Cornell stated they closed it the last day of the year in 2005.

Bellino-Hall stated there is a problem in Lawton with a lot of out of town owners. Some of the city looks like a third world nation and she is tired of it.

MOVED by Bellino-Hall SECOND by Burk, to adopt **Resolution 11-90** declaring the structure located at 4902 N.W. Cache Road to be a dilapidated public nuisance. AYE: Wells, Shoemate, Tennis, Bellino-Hall, Burk, Zarle, Haywood. NAY: None. MOTION CARRIED.

27. Consider a resolution approving the issuance of a Tax Increment Financing (TIF) Note by the Lawton Economic Development Authority to the City of Lawton in the amount of not to exceed \$600,000 for the purpose of assisting the Authority in its obligations for interim funding relating to the acquisition of land and other redevelopment activities for downtown TIF district projects (the Note); and other matters relating thereto. Exhibits: Resolution No. 11-___ and Promissory Note.

Jensen stated several meetings ago the City Council approved up to \$600,000 in hotel/motel tax funds to be used to pay interest for the next 12 months on a \$12 million note that LEDA has taken out with three local banks to fund activities on 2nd Street. When the council approved this item they asked that in exchange for this pledge that LEDA approve a promissory note to pay that money back at some point in time if funds become available. LEDA did approve this note to secure this pledge of up to \$600,000. The City Council is in a position to first have to approve their occurring their indebtedness to the council and then accepting the note as a security for the council's pledge. He stated staff is recommending approval.

Bellino-Hall questioned what will happen if funds don't become available and do the citizens of Lawton become liable for that \$600,000?

Jensen stated the \$600,000 has been pledged from current hotel/motel tax funds and those payments already started in August from existing hotel/motel tax money.

Wells stated the TIF notes will only be sold when something is going on down there and someone would be willing to buy the notes.

Bellino-Hall questioned what happens if they can't pay this back.

Mayor Fitch stated we would be about third in line with the banks.

Mitchell distributed a chart showing a reconciliation of the last three years of hotel/motel tax funds showing actual numbers versus estimates because what is in the budget books are estimates and once they get to the end of the fiscal year they balance that out and start a new year. This schedule shows the transactions from year to year. He stated the last column shows that \$267,227.54 should be available. That amount will pay the interest through the current term of the loan which is through December 5th. Beyond December 5th they would not have funds available in that economic development fund to continue paying interest. He stated they need to proceed to closing on this as soon as possible.

Wells stated they were projecting \$600,000, but they are only going to have \$267,000.

Mitchell stated in the budget book they were projecting approximately \$400,000 and that number is revised. The \$600,000 was simply the number they used to say if they didn't make any payments on the loan for a full year, that would amount to \$600,000 in interest payments. The number in the budget book was never \$600,000.

Wells questioned how we were going to pay \$600,000 out of economic development if we didn't have it.

Mitchell stated we didn't, it says not to exceed \$600,000. The interest due on the note is only through December 5th and at that point in time we are anticipating having at least two closings on property which would pay down the note and we could refinance the loan through a longer term instrument. If there isn't a transaction made between now and December, then we will have to figure out what to do at that point.

Wells stated that this TIF note for \$600,000 is really only going to be \$267,000 that they will owe us.

Mitchell stated the instrument says not to exceed \$600,000. The council is approving the instrument.

Wells stated that we only have money for \$267,000.

Mitchell stated we only have enough money to pay to the current term of the note which is through December 5th.

Jensen stated this promissory note says that depending on how much the City of Lawton actually pledges from available revenue out of current hotel/motel tax funds, whether it is \$300,000 or \$350,000, LEDA has issued a promissory note only for the amount that you actually pay in interest up to \$600,000.

Bellino-Hall stated the promissory note is like an IOU to the city. She questioned how LEDA will pay back the city.

Mayor Fitch stated it will be paid back when the properties are sold.

Jensen stated all of this has already been done, they are just trying to secure this for the City of Lawton. It will be filed as any other note would be filed.

MOVED by Burk SECOND by Tennis, to adopt **Resolution 11-91** approving the issuance of a TIF Note by the LEDA to the City of Lawton in the amount of not to exceed \$600,000 for the purpose of assisting the Authority in its obligations for interim funding relating to the acquisition of land and other redevelopment activities for downtown TIF district projects (the Note); and other matters relating thereto. AYE: Shoemate, Tennis, Burk, Zarle, Haywood, Wells. NAY: Bellino-Hall. MOTION CARRIED.

AUDIENCE PARTICIPATION:

Allen Faries, 908 SW 3rd Street, stated this is the second time he has come before the council on the issue of the old southwest hospital which is still a disgrace. It has graffiti all over it and the lawn is still in terrible shape. The fence that was erected when they took out the asbestos has been breeched and there are holes where people can get into the building. He requested the council do whatever they can to get that building taken care of.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Wells stated someone called him the other day and they had tried to get into the new city hall to look around and they were told they could not unless they were visiting someone.

Mitchell stated city hall is open for business but there are construction crews still there and they really don't want people wandering around during construction.

Wells suggested they get something in the paper that it will not always be that way, just temporarily.

Mitchell stated they hope to have the improvements completed in another 2-3 weeks. He announced that they plan on holding the first council meeting in the new building on October 11th.

Zarle reminded everyone of the council and CIP election on October 11th.

COL Hossenlopp questioned if we were still in stage one of water restrictions and how long before we would move into stage two.

Mitchell stated if we don't get significant rainfall between now and the first of the year, we may be going to stage two. Now we are holding to voluntary conservation.

COL Hossenlopp stated he just wanted to make sure that Fort Sill was consistent with Lawton. He stated they only allow watering between 9:00 p.m. and 8:00 a.m.

Mitchell stated the next council meeting will be held on October 11th at 6:00 p.m. and a dedication ceremony will be held between 5:00 p.m. and 6:00 p.m. He stated the OML district dinner is scheduled for October 20th and it will be held at the music hall at Medicine Park. He stated council members can sign up on line or let staff know and they will get everyone registered. He reported he will be out of the office the rest of the week.

Mayor Fitch commended those involved with the International Festival the past weekend. He stated over 40,000 people attended. He reminded everyone of the October 11th council and CIP election.

Mayor Fitch recognized Fire Chief Bart Hadley for thirty years of service. He stated he is very much involved in the community and he works a lot of hours outside of the City of Lawton.

The Mayor and Council convened in executive session at 7:26 p.m. and reconvened in regular, open session at 8:10 p.m. Roll call reflected all members present.

BUSINESS ITEMS: EXECUTIVE SESSION ITEMS

28. Consider convening in executive session pursuant to Section 307B.3, Title 25, Oklahoma Statutes, to discuss declaring an individual tract of land as surplus property, setting a minimum bid for the purchase price, and authorizing sale by public auction, and if necessary, take appropriate action in open session. Exhibits: Legal and Physical Description.

Jensen read the title of item #29.

MOVED by Haywood, SECOND by Zarle that the City of Lawton declare the property located at 1211 SW Georgia Avenue, Lawton, OK, more particularly described as lot 6, block 74, Lawton View Addition, to the city of Lawton, Comanche County, OK, in accordance with the recorded plat, thereof to be surplus property and authorize the sale of the property to public auction and set a minimum bid of \$1,000. AYE: Burk, Zarle, Haywood, Wells, Shoemate, Tennis, Bellino-Hall. NAY: None. MOTION CARRIED

29. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss a pending public nuisance action involving Club Illusionz; and if necessary, take appropriate action in open session. Exhibits: Notice of Public Nuisance Letters and Updated Emergency Response List.

Jensen read the title of item #29.

MOVED by Burk, SECOND by Tennis to authorize the City Attorney's office to file a public nuisance lawsuit against Club Illusionz located at 425 SW Sheridan Road and seek abatement of nuisance occurring at that location by any legal available means. AYE: Zarle, Haywood, Wells, Shoemate, Tennis, Bellino-Hall, Burk. NAY: None. MOTION CARRIED

30. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending damage claim of Rikki Williams and if necessary, take appropriate action in open session. Exhibits: None.

Jensen read the title of item #30. No action is needed.

31. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss a pending action relating to the recent imposition of the \$2.50 Waurika surcharge on Comanche County Rural Water Districts #2 and #3, and if necessary, take appropriate action in open session. Exhibits: None.

Jensen read the title of item #31. No action is needed.

32. Pursuant to Section 307(B)(3), Title 25, Oklahoma Statutes, consider convening in executive session to discuss the appraisal/proposed sale of approximately 50 acres, more or less, of City-owned real property in the vicinity of NW 67th Street and Rogers Lane, as authorized by Ordinance No. 11-07, and take appropriate action in open session. Exhibits: None.

Jensen read the title of item #32.

MOVED by Shoemate, SECOND by Burk to authorize the City Manager to issue a request for proposal for the sale and development of 50 acres of city owned property at 67th and Rogers Lane under the terms and conditions outline in the RFP and the minimum bid of \$7,200,000 for the total site as outlined in the development proposal form. AYE: Zarle, Haywood, Wells, Shoemate, Tennis, Bellino-Hall, Burk. NAY: None. MOTION CARRIED

33. Pursuant to Section 307B3 and C10, Title 25, Oklahoma Statutes, consider convening in executive session for the purposes of conferring on matters pertaining to economic development, including the purchase/transfer of property and financing in connection with the Lawton Downtown Redevelopment Project, for the hotel-conference

center and the mixed-use commercial retail establishments and take appropriate action, if necessary, in open session. Exhibits: None.

Jensen read the title of item #33. No action is needed.

There being no further business to consider, the meeting adjourned at 8:15 p.m. upon motion, second and roll call vote.

/s/ Fred L. Fitch
FRED L. FITCH, MAYOR

ATTEST:

/s/ Traci L. Hushbeck
TRACI HUSHBECK, CITY CLERK